



Resolution

8th Floor,
10 South Colonnade
Canary Wharf
London
E14 4PU
Telephone: 020 7811 2700

January 2025
FOI_6908

The following information was requested on 10th December 2024:

I would like to request information on the number and value of claims from 1 January 2020 where the injury was due to group B Streptococcal infection.

If possible, please provide a breakdown by year.

Our Response

Thank you for your request for information. We are able to provide information in complete financial years. Please note the information for 2024/25 is not yet available and is subject to an external audit. The information for 2024/25 will be available from August 2025. Please contact us at that time to obtain this information.

Please find attached the rest of the requested information. We have provided information for the financial years 2020/21 – 2023/24.

It might be helpful to explain that when claims are notified to NHS Resolution they are categorised against pre-defined cause, injury and speciality [codes](#), unfortunately prior to April 2020 the code for Infection (Group B Strep), did not exist. The code was added to our Claims Management System in April 2020. Please see the following link for details:- [New claims management coding to drive improvements in maternal and neonatal care - NHS Resolution](#)

Therefore, while there may be some historic information held in our records, we are not readily able to identify the relevant files by searching the database. To do so would involve a manual review of all cases to identify which ones relate to claims involving Infection (Group B Strep). NHS Resolution receives thousands of claims each year.

Therefore, we estimate that the cost of complying with the request in its entirety would exceed the 'appropriate limit'. Section 12(1) of the FOIA is a provision which allows a public authority to refuse to comply with a request for information where the cost of compliance is estimated to exceed a set limit (known as the 'appropriate limit'). The

'appropriate limit' for NHS Resolution is £450. This equates to 18 hours of work at the rate of £25 per hour set out in the 'Fees Regulations'.

In terms of *group B streptococcus*, we have therefore provided you with the information that is readily available, namely information for the financial years 2020/21 - 2023/24.

Please note: We have recently changed the way we report on our FOIs to align better with our published documents. Streamlining our reporting on FOIs with our annual published reports may mean a variation in snapshot dates. This means this data may not align with previous similar requests and it may not be possible for you to compare this information with a previous request. For further information, please refer to <https://resolution.nhs.uk/resources/understanding-nhs-resolution-data>.

Claims notified/received in any given year will often relate to incidents that have occurred many years prior. Due to the nature of clinical negligence claims and the level of investigation needed to bring them to a resolution, claims received and notified in a specific year may take years to settle and close. They are not guaranteed to be settled and closed in the same year. As such, there will be a time gap between incident and claim closure.

Due to the way in which data is extracted, it is also possible that the same claim may appear more than once in a dataset, across different year groups e.g. where the case has been closed (as nil damages payment), challenged, reopened, and closed again at conclusion.

The data shows variation in numbers of cases received, closed per year, and costs attributed to those claims. This is a reflection of the nature of individual claims received and resolved by NHS Resolution which can vary significantly. As such these fluctuations cannot be interpreted as trends.

For information about our Clinical Negligence Scheme, please visit our website here: [Clinical schemes - NHS Resolution](#)

Table 1 shows: - Number of Clinical Claims and Incidents received between financial years '2020/21' and '2023/24' where the Primary Injury is '**Infection (group B strep)**'.

Table 2 shows: - Number and Cost of Clinical Claims Closed between financial years '2020/21' and '2023/24' with a damages payment, where the Primary Injury is '**Infection (group B strep)**'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

There were fewer than 5 claims that fall within the above criteria. Please see our low numbers refusal below for why we cannot provide the exact number.

Table 3 shows: - Number and Cost of Clinical Claims Closed between financial years '2020/21' and '2023/24' with **NIL** damages paid where the Primary Injury is '**Infection (group B strep)**'.

Low figures refusal

We have not provided the information for low figures involved as we believe that disclosure of information with this level of granularity is exempt under Section 40(2) by virtue of section 40(3A) (a) of the FOI Act, where disclosure to a member of the public would contravene one or more of the data protection principles. The data protection principles are set out in Article 5 of the General Data Protection Regulation. We take the view that it would not be fair or lawful (given the sensitive and confidential nature of the information held) to disclose such information, and any disclosure would therefore contravene the first data protection principle.

In some instances, the low numbers of claims (fewer than 5) in each category, the likelihood exists that individuals who are the subject of this information may be identified either from this information alone, or in combination with other available information. In addition to this, as this information is considered to be sensitive personal data (the data subjects' medical condition); NHS Resolution believes it has a greater responsibility to protect those individuals' identities, as disclosure could potentially cause damage and/or distress to those involved.

Further to our obligations to provide advice and assistance, you may find it helpful to review the work of the [Getting It Right First Time team](#) with whom NHS Resolution has been working with to undertake in-depth analysis of our claims data. They have produced a number of [reports](#) from analysing our claims data which has been shared following approval of the confidentiality advisory group to the use of confidential patient information for this purpose.

If you would like to know how data is categorised in our Claims database please see the following link: [Glossary](#)

This concludes our response to your request.

If you are not satisfied with the service that you have received in response to your information request, it is open to you to make a complaint and request a formal review of our decisions. If you choose to do this, you should write to [Tinku Mitra](#), Deputy Director of Corporate and Information Governance, Data Protection Officer for NHS Resolution, within 28 days of your receipt of this reply. Reviews of decisions made in relation to information requests are carried out by a person who was not involved in the original decision-making about the request.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a review of the decision. Generally, the Information Commissioner will not make a decision unless you have exhausted the local complaints procedure. The address of the Information Commissioner's Office is:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

<https://ico.org.uk/>

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NB: Number of claims fewer than 5 (and any associated values, within the same row) are masked with a "#" (in accordance with Data Protection guidelines). Accordingly, some total values may also be approximated to prevent masked values to be deduced through reverse calculation.

Table 1: Number of Clinical Claims and Incidents received between financial years '2020/21' and '2023/24' where the Primary Injury is 'Infection (group B strep)'.

Table 2: Number and Cost of Clinical Claims Closed between financial years '2020/21' and '2023/24' with a damages payment, where the Primary Injury is 'Infection (group B strep)'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

Table 3: Number and Cost of Clinical Claims Closed between financial years '2020/21' and '2023/24' with NIL damages paid where the Primary Injury is 'Infection (group B strep)'.

Table 1: Number of Clinical Claims and Incidents received between financial years '2020/21' and '2023/24' where the Primary Injury is 'Infection (group B strep)'.

Notified	Y
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Year of Notification	No. of Claims
2020/21	6
2021/22	8
2022/23	#
2023/24	5



Table 2: Number and Cost of Clinical Claims Closed between financial years '2020/21' and '2023/24' with a damages payment, where the Primary Injury is 'Infection (group B strep)'. The data includes the damages and legal costs paid up until the end of each relevant financial year of closure.

ClosedSettled	Y
Claim_Outcome	Damages Paid

Year of Closure	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs Paid	Total Paid
2021/22	#	#	#	#	#

Table 3: Number and Cost of Clinical Claims Closed between financial years '2020/21' and '2023/24' with NIL damages paid where the Primary Injury is 'Infection (group B strep)'.

ClosedSettled	Y
Claim_Outcome	Nil Damages

Year of Closure	No. of Claims	NHS Legal Costs Paid	Claimant Legal Costs Paid
2021/22	5	29,423	0
2022/23	#	#	#
2023/24	#	#	#
Grand Total	12	70,181	0